

23 JULY 1946

I N D E X
of
WITNESSES

Prosecution's Witnesses

Ching Teh-chun

Direct

Cross

2360
to
2418

I N D E X
of
EXHIBITS

<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
	202	Scroll presented to DOHIHARA	2374	
	203	Book in Japanese and Chinese entitled "Down with Japan" "Why China Expels Japan" Edited by TAKASHI, Hoku	2389	

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1 Tuesday, 23 July, 1946

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3 INTERNATIONAL MILITARY TRIBUNAL
4 FOR THE FAR EAST
5 Court House of the Tribunal
6 War Ministry Building
7 Tokyo, Japan

8 The Tribunal met, pursuant to adjournment,
9 at 0930.

10 - - -

11 Appearances:

12 For the Tribunal, same as before.

13 For the Prosecution Section, same as before.

14 For the Defense Section, same as before.

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17 (English to Japanese, Japanese to
18 English, English to Chinese, Chinese to
19 English interpretation was made by the
20 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA and HIRANUMA, who are represented by
5 counsel.

6 At the desire of the representative of the
7 Netherlands, I wish to point out that the statement
8 in the Nippon Times that he was affected by the heat
9 is not correct.

10 I gave no interview to any pressmen. I told
11 Captain Stickle, who is an officer in the army and
12 attached, I understand, to General MacArthur's Head-
13 quarters, that ~~Members~~ representing countries with a
14 cold climate were suffering severely from the heat.
15 I did not mention names, nor did I mention countries.
16 If I decided to mention names, I think that the repre-
17 sentative of the Netherlands would not have been named.
18 He has a power of endurance second only to that of the
19 Supreme Commander. The Supreme Commander, of course,
20 has had the advantage of being through a hundred
21 battles in those green hills between Morotai, Port Moresby
22 and Manila. And he has come through with unimpaired
23 health and, as far as I can judge, without having
24 added a day to his years. None of us desires to be
25 compared with him.

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1 Does any counsel desire to mention any matter?

2 COLONEL MORROW: No, sir.

3 THE PRESIDENT: Colonel Morrow.

4 COLONEL MORROW. I understand the defense
5 will continue with cross-examination, if the Court
6 please.

7 MR. OHTA: I am counsel OHTA, Kinjiro,
8 representing the defendant DOHIHARA. I wish to be
9 permitted to continue the cross-examination begun
10 yesterday.

11 C H I N G T E H - C H U N, called as a witness
12 on behalf of the prosecution, resumed the
13 stand and testified as follows:

14 CROSS-EXAMINATION (Continued)

15 BY MR. OHTA:

16 Q Mr. Witness, is it not true that in connection
17 with the Hopei-Chahar Political Council and the
18 Autonomy Movement in North China, the Mayor of
19 Tientsin, Hsiao-Chenying, and the President of the
20 Peining Railway, Chen-Chuehsheng, agreed to and sup-
21 ported the movement which I have just mentioned?

22 A In regard to the establishment of Hopei-
23 Chahar Political Council, Hsiao-Chenying and Chen-
24 Chuehsheng had kept contact with DOHIHARA and had
25 discussions with him. In regard to the matters of

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1 autonomy, the Japanese Government had put up this
2 proposition and relayed these propositions to the
3 Chinese Government through Chen-Chuehsheng.

4 Q Did not General Sung-Cheyuan, Commander-in-
5 Chief of the Peiping Defense Corps, also approve of
6 this program?

7 THE MONITOR: Correction: Peiping-Tientsin
8 area.

9 A General Sung-Cheyuan agreed to the establish-
10 ment of Hopei-Chahar Political Council with the view
11 to maintain peace and order in and around the area of
12 Peiping-Tientsin. But he has never agreed to the
13 Autonomous Movement in as far as that area is
14 concerned.

15 Q However, is it not true that General Sung-
16 Cheyuan, on the 17th of November, established the
17 Council for the People's Guidance, and through this
18 organ negotiated with the central government on this
19 matter?

20 A Such Guidance Council as you said was never
21 in existence.

22 Q Are you aware of the fact that General Sung-
23 Cheyuan very greatly welcomed the establishment of
24 the Hopei-Chahar Political Council and that he had
25 given voice to the principle of respecting the will

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1 of the people and the maintenance of harmony between
2 Japan and China?

3 A Probably there was.

4 Q However, at this time are you not aware of
5 the fact that not only General Sung-Cheyuan but all
6 who participated in this program welcomed the pro-
7 ject and expressed their gratitude to General DOHIHARA
8 for the efforts he had made, and that General Sung,
9 through Chen-Chuehsheng, expressed the desire that
10 General DOHIHARA remain in that area in order to
11 carry on liaison work between the Kwantung Army and
12 the Tientsin Army?

13 A That I don't know. What I know is that at
14 that time all of us were feeling the oppression of
15 DOHIHARA, and to that oppression we felt very badly.

16 Q Then I wish to present to the witness a
17 scroll which was sent by General Sung-Cheyuan to
18 General DOHIHARA as a token of his gratitude. I wish
19 to have the witness look at this scroll.

20 CLERK OF THE COURT: This scroll will be
21 marked defense exhibit No. 202.

22 THE PRESIDENT: It was not tendered. I do
23 not know whether he wants it tendered or not. Do not
24 mark it yet.

25 CLERK OF THE COURT: Mark it for identification.

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1 THE PRESIDENT: If he tenders that document,
2 or whatever it is, it may have a serious effect on the
3 course of the trial. I will see that he understands
4 his position before it is offered.

5 MR. OHTA: Then, Mr. President, I should like
6 to consider the presentation of this scroll as evidence
7 at a later stage. But may I be permitted to show this
8 scroll to the witness for identification?

9 THE PRESIDENT: Yes.

10 (Whereupon, a document was handed to
11 the witness.)

12 THE PRESIDENT: In the Charter it will
13 appear that the prosecution has the last word, in any
14 event. At least that construction is open.
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1 A This is the first time I have seen this
2 scroll. This scroll was presented by General Sung
3 Che-yuan to DOHIHARA, at the time he left China, as a
4 souvenir. This presentation is rather common between
5 the officials of the countries.

6 At that time General Sung Che-yuan was
7 taking charge of affairs in that area. He not only
8 presented scrolls or gifts of like nature to Japanese
9 officials, but also he presented to other military
10 attaches or other foreign officials having official
11 functions in that area.

12 Q Next, Mr. Witness, I should like to inquire
13 with respect to a statement by you in your affidavit
14 with respect to the July 7 Incident. You speak of
15 TANAKA's Second Plan of World Absorption, et cetera,
16 on the fourth page of the affidavit. I should not
17 consider this to be a fact. Is it not a mistake on
18 your part?

19 A This statement of mine was based on the
20 pamphlet which was then circulated throughout China.
21 In that pamphlet it was stated that TANAKA had the
22 plan to dominate the whole world.

23 That plan involves four stages: The first
24 stage was that the Japanese would dominate and occupy
25 Manchuria and Mongolia; the second stage was that of

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1 domination over North China; the third and fourth
2 stages were evidences by the fact, in 1940, when the
3 Japanese started the Pearl Harbor adventure.

4 Q Who was the author of this pamphlet?

5 A That was printed in China, was known as
6 the "TANAKA Memorandum."

7 Q On page 4 of your affidavit -- page 5 --
8 you say that Japanese troops maneuvered on Chinese
9 territory at their own will. However, are you not
10 aware of the fact that following the Boxer Uprising
11 in the year 1900 a protocol known as the "Boxer
12 Protocol" was concluded between China and other
13 Allied countries and that the Japanese Army maneuvered
14 on Chinese soil on the basis of treaty stipulations
15 as provided for in the Boxer Protocol?

16 A Yes, I know. But, according to the practice
17 then, it was that before any maneuver was taking
18 place, a notice must be sent to the local government
19 through which the inhabitants of that particular
20 locality would be informed.

21 THE MONITOR: I would like to make a correct-
22 ion for English interpretation of defense counsel's
23 question: "Not only our country, but other signa-
24 tories to this protocol had the same right to ma-
25 neuver on Chinese soil."

1 Q Are you also not aware of the fact that
2 these proper steps were taken before these maneuvers
3 were held?

4 A Many protests were made by the Chinese
5 authorities to the Japanese military authorities on
6 the ground that many of the maneuvers were not
7 previously informed, and the inhabitants of the
8 various localities were very much frightened. The
9 maneuvers taking place at the time of the outbreak of
10 Marco Polo Bridge Incident was never informed previously
11 to the Chinese authorities.

12 Q Maneuvers were held in that area after permission
13 had been secured from General Sung Che-yuan
14 in accordance with the treaty stipulations in the
15 Boxer Protocol; but were not even greater permission
16 secured before these maneuvers were held?

17 Addition: Did not the Japanese Army authorities
18 secure from General Sung Che-yuan permission
19 even greater than that permitted by the Boxer Protocol?
20

21 A In the first point, as far as that Boxer
22 Protocol is concerned, the foreign countries may put
23 up maneuvers along the railway line, but they are not
24 authorized to have -- to take any maneuvers in any
25 further off places.

1 Q Shortly after the outbreak of the Lukuochiao
2 Incident on 29 July, 1937, an incident called the
3 Tung-Chow Incident occurred. Are you familiar with
4 or aware of this Incident?

5 A I only heard of that after the Incident
6 took place. At that time I was already not in
7 Peiping.

8 Q The Tung-Chow Incident was started by Chi-
9 nese instigators and was started against the East
10 Hopei Anti-Communist regime by a part of the Pao-an-
11 tsui or the Peace Preservation Corps in Tung-Chow.
12 As a result of this attack, many of Japanese nation-
13 als resident there, including many women and children,
14 were massacred. Even after this Incident, you must
15 have received reports to the effect, is that not so?

16 A I only heard of this matter. At that time
17 I -- General Sung Che-yuan and I both were in Pao-
18 Ting.

19 Q Then, are you also not aware of the fact
20 that Japanese troops in Peiping were fired on by
21 Chinese troops on 26 July of the same year?

22 A The fighting started from July 8 when the
23 hostilities at the Marco Polo Bridge broke out and
24 that hostilities was never ended until somewhere in
25 1945.

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1 Q In your affidavit you state that General
2 DOHIHARA was responsible for the outbreak of the
3 Incident of September 18, 1931. On what grounds do
4 you make this charge against him?

5 A That statement was based on intelligence
6 reports and documents received by the Chinese
7 authorities.

8 Q Are you not aware of the fact that about the
9 time of the September 18 Incident DOHIHARA had gone
10 to Tokyo to report on the NAKAMURA, Shintaro Incident
11 and that when the Incident broke out on September 18
12 he was en route back to Mukden after having made the
13 report and was very much astonished when he heard of
14 it, which was after the Incident broke out?

15 A That I don't know.

16 MR. OHTA: That concludes my cross-examin-
17 ation.

18 THE PRESIDENT: The scroll shown the witness
19 should be marked for identification.

20 Call out the number.

21 CLERK OF THE COURT: It is marked 202 for
22 identification.

23 (Whereupon, the document above
24 referred to was marked defense ex-
25 hibit No. 202 for identification.)

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1 MR. ITO: I am counsel ITO, Kiyoshi, counsel
2 for the defendant, MATSUI, Iwane.

3 Since the witness does not speak the official
4 language of this Tribunal, and, naturally, it would
5 increase the difficulties were he to speak in another
6 language, I shall ask questions which it would be
7 sufficient for the witness to reply with yes or no.

8 CROSS-EXAMINATION (Continued)

9 BY MR. ITO:

10 Q I should like to have the witness be careful
11 not to stray outside of the point asked in my questions
12 and that he stick to the point.

13 THE PRESIDENT: These admonitions are not
14 called for. Please ask questions straight away.

15 THE CHINESE MONITOR: As the Chinese Monitor,
16 I wish to state that there has been a mistake in trans-
17 lation, and that the original in Chinese reads, "the
18 Japanese military clique," rather than, as the interro-
19 gator just said, "the Japanese aggressor."

20 Q In your affidavit, Mr. Witness, you men-
21 tioned a Japanese officer by the name of MATSUI in
22 two places. At one point you speak of a MATSUI, Chief
23 of the Special Service Section, who was in Peiping at
24 the outbreak of the Marco Polo Incident on July 7, 1937.
25 In another place you speak of a retired Japanese army

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1 officer by the name of MATSUI having come to Peiping
2 in the fall of 1935. May I ask whether these two
3 MATSUIS are one and the same person or different per-
4 sons?

5 A They are two different persons.

6 Q When this retired General MATSUI visited North
7 China in 1935, he saw you, Mr. Witness, and he said
8 that, in quoting the words of SUN Yat-Sen, if Japan
9 and China would come together and join hands it would
10 mean the salvation of Asia. That was the meaning of
11 the Greater Asia Doctrine; is that not so?

12 A I don't recall that.

13 Q If you do not recall this fact, I shall refer
14 to the Greater East Asia Annual, and, sir, will you try
15 to recall this fact?

16 THE PRESIDENT: Continue with your question.

17 Q Do you not recall that on the 1st of December
18 the leaders of North China gathered together at the
19 Hsi-hu Hotel in Tientsin and created a Founders Committee
20 for the China Greater Asia Association?

21 A I never participated in that meeting.

22 Q However, this record shows that General ~~SUN~~
23 ~~Che-yuan~~ HAN-Fuchii, and yourself, CHING Teh-chun, and
24 others, had participated in this gathering.

25 A As I said, I never participated in the meeting

CHING

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1 of the so-called Friends of the Greater Asia Society
2 in China. Whether somebody used my name or not, that
3 I cannot tell. I heard that one man, CHI Hsieh-yuan,
4 who is now being committed as a traitor in China, par-
5 ticipated in that meeting.

6 Q Was there any other person in North China by
7 the name of CHING Teh-chun?

8 A No. Was it CHENG Chueh-sheng who used my
9 name to be put up in that record?

10 A In your affidavit you state that the Greater
11 East Asia -- the Greater Asia Doctrine -- would be
12 perfectly satisfactory if it were based on the spirit
13 of reciprocity. However, Doctor SUN Yat-Sen's Greater
14 Asia Doctrine -- with reference to Doctor SUN Yat-Sen's
15 Greater Asia Doctrine, I should not think that leaders
16 in North China would not approve of it; and so I am
17 inclined to think that you were among those who
18 approved it. Will you try to recall your position on
19 that matter?

20 A When MATSUI was talking on the subject of
21 establishing the French Office of Greater Asia Society,
22 General SUNG and I both expressed disapproval of the
23 project; but this project was approved by SUNG Che-yuan
24 and CHI Hsieh yuan, as I told you. As I have said, the
25 meeting was held in Tientsin, and that HUNG Fu-chu and

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1 SUNG Che-yuan were both present at the meeting. But,
2 as a matter of fact, HUNG Fu-chu was always stationed
3 in Chen-tung, but he sometimes came to Tientsin. So
4 I even doubt if that is true.

5 THE PRESIDENT: We will recess now for fifteen
6 minutes.

7 (Whereupon, at 1046, a recess was
8 taken until 1102, after which the proceedings
9 were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 BY MR. ITO (Continuing):

4 Q Mr. Witness, I must say that you have said
5 that many leaders in North China were unable to attend,
6 even by airplane, the founders' meeting of the Greater
7 Asia Society in Tientsin. But what I said is not
8 that all or the many Chinese leaders in North China
9 attended this founders' meeting, but what I did say
10 was that a founders' meeting was held in Tientsin and
11 that after that, many of the leaders in North China
12 approved of this organization.

13 A As I said, I have never participated in that
14 meeting. If I had ever been to that meeting, I would
15 have signed the attendance book and if I had signed
16 the attendance book, naturally I would recognize my
17 own writing. If I had never attended and never signed
18 the attendance book, then it is possible that somebody
19 else just put my name on.

20 Q I did not say that you, Mr. Witness, attended
21 this meeting in Tientsin. In your statement, Mr. Wit-
22 ness, you said, you speak of the Chinese Greater East
23 Asia Association as being a branch of an organization
24 with headquarters in Japan. But the record upon which
25 I speak does not mention a branch but an entirely

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1 independent Chinese organization founded upon the
2 Greater East Asia doctrine. The resolution of the
3 meeting of which I speak states that it has been a
4 mistake for the peoples of Asia to quarrel among
5 themselves and that, instead, the peoples of Asia,
6 in the spirit of the fact that Asia is an area for the
7 peoples of Asia, should resolve their quarrels and
8 become friends and that China and Japan, most of all,
9 should come together, collaborate as friends, and lay
10 the basis for the emancipation of Asia. And this
11 declaration further goes on to state that since a
12 Greater Asia Association has been established in
13 Japan, a similar organization independent unto itself
14 should also be created in China in parallel with the
15 organization in Japan. Do you not recall this?

16 A I am afraid that the defense lawyer had
17 mixed up the purpose of the so-called "Great Asia
18 Society" with the organization, with the actual
19 doings of that society. The reason that I abstained
20 from participating in this meeting is that --

21 Q If you have not approved of it, that is
22 enough from you.

23 A No, I must give it further treatment.

24 Q I should like to ask questions on questions of
25 greater import. That is not necessary. In your

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1 affidavit you speak of an agreement between you and
2 **DOHIHARA**; and in that agreement it is stated that the
3 activities of the Kuomintang should be removed from
4 the Chahar District. What do you mean by that?

5 A There was no stipulation to the effect that
6 the Chinese troops should be withdrawn from Chahar
7 but there was a stipulation that the troops stationed
8 in the Sixth District North of Kalgan should be with-
9 drawn and in its place the police guards should be
10 sent forward.

11 Q You speak of the fact that in Chahar Province
12 there was an anti-Japanese organ, there were measures
13 for the control and enforcement of measures against
14 the anti-Japanese organs as well as anti-Japanese
15 activities in Chahar Province. Now what kind of
16 organizations did exist in that area, what kind of
17 anti-Japanese organizations existed in that area, may
18 I ask?

19 A There was never any anti-Japanese associations
20 or organizations in Chahar. The policy of the Central
21 Government then was that unless there is no hope of
22 peace, they will not give up the negotiations of peace
23 and if there is no -- unless there is no hope of peace,
24 they will not give up the hope of peace.

25 Local government then, in conformity with the

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1 policy of the Central Government, tried their best
2 to carry out this policy and there was not at all
3 any anti-Japanese movement.

4 The Japanese militarists, with a view to push
5 forward their aggressive plan and with the ultimate
6 end of effecting autonomous movement in North China,
7 they simply branded the headquarters, the Kuomintang
8 Headquarters in the Chapei Province (northern part
9 of Chahar Province) and other political organs as
10 anti-Japanese organizations.

11 Q I should like to have you reply to my
12 question.

13 A There was no anti-Japanese movement in China,
14 I said that.

15 Q In other words, Mr. Witness, you mean to
16 say there was no anti-Japanese organizations in Chahar
17 at that time?

18 A The fact that there were many Japanese goods
19 flooding the markets in Kalgan and north of Kalgan
20 is a very good proof that there was no anti-Japanese
21 sentiment existing then in that area. The Japanese
22 just wanted to get rid of Chinese political organiza-
23 tions and other official organizations, got rid of
24 them in those areas and branded these political
25 official organizations as anti-Japanese organizations.

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1 COL. MORROW: If the Court please, I ask that
2 counsel be warned to allow the witness to finish his
3 answer. There are several instances here where the
4 witness here has been prevented from finishing his
5 answer.

6 THE PRESIDENT: The red lights are not being
7 effectively used and there should be a military
8 policeman along at the lectern with counsel.
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1 Q Then, Mr. Witness, you say in your state-
2 ment that it was necessary to enforce measures
3 against anti-Japanese organizations in Chahar. From
4 this fact I must assume that there was an anti-Jap-
5 anese movement. Will you clarify this point?

6 A That expression is an expression loaned
7 from the demands made by the Japanese. At that time
8 the Japanese took the party quarters in the local
9 areas, the editorials published by papers against
10 the Japanese theory of putting North China as an
11 autonomous government, and students parades as ges-
12 tures of anti-Japanese movements. The local govern-
13 ment then, pursuant to an order received from the
14 central government, which for the purpose of securing
15 peace had ordered that all the party quarters in the
16 various districts and some political organs were
17 removed from these districts and the students and
18 other people were admonished by the authorities not
19 to hold any more parades.

20 Q What do you mean by youth demonstrations?

21 A There was never any students parades
22 held in Chahar, but in Peiping there was a few
23 parades held. The students held the parades simply
24 because they felt that the Japanese aggression was
25 endless; that the Japanese is pushing forward even

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1 as far as Peiping then. At that time I, as mayor of
2 Peiping, advised the students to go back to their
3 schools and told them that if in the event of Jap-
4 anese closing in on Peiping, we would get together
5 and try to ward off this danger. Ever since that
6 time I received the students en masse and gave them
7 that piece of advice the students went back to their
8 schools and they have never held any parades any more.

9 Q The anti-Japanese movement carried on by
10 the Japanese youth, if you search into the causes
11 of this movement, is it not correct to say that anti-
12 foreign education, especially anti-Japanese education,
13 was carried on in China long before the Manchurian
14 Incident?

15 A This is nothing but a patriotic movement
16 from the students. The students being oppressed by
17 the Japanese aggression expressed themselves in such
18 an act. This patriotic movement was seen only after
19 September 18. Before that we had one movement also
20 held by the students, called the "Five-Four Movement."
21 That movement was only for cultural purposes.

22 Q I have here, Mr. Witness, a book, and it
23 states that China after the opium war will fall
24 victim to the aggression of Britain, France, Germany,
25 Japan, and America, and that China must expel those

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1 foreign powers and that this type of doctrine was
2 written into the text books used in the schools of
3 China in their geography books, in their history
4 books, and in their language books, of which there
5 are more than five hundred different kinds. Are
6 you or are you not aware of this fact?

7 A That I do not know.

8 MR. ITO: That concludes my cross-examina-
9 tion, sir.

10 COLONEL MORROW: I would like to know the
11 name of that book, if the Court please.

12 MR. WARREN: We have a copy. You can see
13 it later.

14 I am Colonel Warren.

15 CROSS-EXAMINATION (Continued)

16 BY MR. WARREN:

17 Q In your statement which you adopted before
18 this Tribunal as your evidence in chief you remarked
19 under Prologue A-1, the political situation and you
20 set out various members of the Chinese Government as
21 holding various positions. Will you tell the Tri-
22 bunal whether all of those men were appointed by the
23 Central Government of China or the Nanking Government?

24 A They were all appointed by the Central
25 Government.

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CROSS

1 Q Were they all members of the same political
2 party?

3 A They were all members of the Kuomintang.

4 Q As a matter of fact, the Kuomintang, or the
5 political party to which you refer, was the National
6 Government at Nanking, is not that correct?

7 A Yes.

8 Q At that time how far did the control of the
9 various provinces of China -- strike that. I will
10 put it this way: how far did the governmental con-
11 trol of this political party extend in China at the
12 time of the so-called Incident at the Marco Polo
13 Bridge?

14 A With the exception of the northeastern
15 three provinces, the Province of Jehol and the
16 twenty-two districts east of Hopei Province, the
17 Province of Hopei, Shangtung, Shangshi, **Chahar**, were
18 all under the power and control of the Kuomintang.

19 Q The provinces which you excepted then were
20 the provinces which were in controversy between the
21 Nanking Government and the Japanese Government. Is
22 that not correct?

23 A Yes, they were.

24 Q Now, were not the provinces which you named
25 under the control of the Nanking Government actually

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1 under the control of the army, which belonged to the
2 political party that you were a member of?

3 A Yes.

4 Q Is it not true that the Nanking Government
5 had aggressive ideas of its own which were well
6 known to Japan?

7 A I do not understand what you mean. The
8 Nanking Government has never harbored any aggressive
9 plans or ideas.

10 Q Do you mean to tell this Tribunal that the
11 political party of which you are a member, which is,
12 and was at that time the Central Government of China,
13 never had any idea of expanding its sphere of in-
14 fluence by war or otherwise?

15 A No.

16 Q Now, in the following paragraph, or the
17 second paragraph rather, under sub-paragraph A-1, you
18 state that: "Since their costless invasion of the
19 Chinese North-Eastern three Provinces, followed by
20 the invasion of the Jehol Province, and the Battle
21 of the Great Wall, the Japanese aggressors considered
22 all these Provinces in North China as something that
23 could be very easily taken over." Now, I should like
24 to know where you got the authority for that
25 statement. And, General, sir, I want facts, if you

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1 have them; if you have no facts to back up that
2 statement, will you so state?

3 INTERPRETER: Where is the Chinese copy?

4 MR. WARREN: I don't have the Chinese copy
5 of this. Can you read the English and interpret it
6 into Chinese? It is document 1750.

7 THE PRESIDENT: Well, I think this is a
8 convenient time to recess, but before we do I would
9 like the counsel for -- is it MATSUI, Iwane, to tender
10 the book from which he read to the witness, to tender
11 it for identification. What is the number?

12 CLERK OF THE COURT: Marked for identification
13 No. 203.

14 (Whereupon, the document above re-
15 ferred to was marked ~~defense~~ exhibit No. 203 for
16 identification.)

17 MR. WARREN: May we note our exception to
18 the order of the Tribunal? Reference merely was
19 made to it, and asked if he had knowledge of it, and
20 if we decide to use this at a later time, which we pro-
21 bably will, it is forcing us to present our defense
22 before we have had an opportunity to examine the
23 evidence or to move for a finding of not guilty.

24 THE PRESIDENT: Counsel is not satisfied
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1 merely to ask the witness whether he knew of the
2 book, but he went further and read from it. Under
3 those circumstances it should be in the **custody** of
4 the Court. We will recess now until one thirty.

5 MR. WARREN: If your Honor please, I had
6 forgotten that I did quote from the book, and I was
7 wrong and may I withdraw my objection? I am sorry,
8 sir.

9 (Whereupon, at 1200, a recess was
10 taken.)

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AFTERNOON SESSION

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

Mr. President, we have a Chinese-English
interpreter who is now ready to be sworn.

THE PRESIDENT: Let him be sworn.

(Whereupon, Major M. N. Chien was
sworn as Chinese to English and English to
Chinese interpreter.)

- - -

CHING TEH - CHUN, called as a witness
on behalf of the prosecution, resumed the
stand and testified as follows:

THE PRESIDENT: Colonel Warren.

MR. WARREN: Would the translation section read
back the question in English-Japanese and again to the
witness in Chinese.

ACTING LANGUAGE SECTION CHIEF: The reporter
has changed shifts and is not here to read it back to
you.

MR. WARREN: I do not exactly remember the
question.

THE PRESIDENT: You had better repeat it.

BY MR. WARREN (Continuing):

Q In your affidavit, second paragraph of

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1 subparagraph 1A, you say that "since their costless
2 invasion of the Chinese North-Eastern three Provinces,
3 followed by the invasion of the Jehol Province, and
4 the Battle of the Great Wall, the Japanese aggressors
5 considered all these Provinces in North China as some-
6 thing that could be very easily taken over." Now, for
7 the basis of -- we should like, rather, your authority
8 for the basis of that statement and we desire facts,
9 if you have facts, and if you do not have them we
10 desire that you so state.

11 A Since the Mukden Incident Japanese took over
12 Manchuria in their possession, and in 1933 the Jehol
13 Incident, in the same year the Japanese Army marched
14 in the Great Wall line, that is, the Ku-peikow Gate--
15 the Leng-kou, the Hsi-honkou, Ku-peikow. The above-men-
16 tioned gates along the Great Wall were all strategic
17 points, and south of that Great Wall the terrain lies
18 flat and is a plain and is very hard to defense. That
19 is why we can draw the conclusion since the Japanese
20 Army are marching from the north to the south and
21 past our strategic points of defense, and evidently
22 their aim is to take the North China into their posses-
23 sion, too.

24 Q General, sir, I asked you if you had facts,
25 not conclusions. Do you have any facts other than any

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1 conclusions that you drew?

2 A Since May of 1933 the Japanese forces had
3 reached Tung-chou which is only forty mile from Peiping,
4 the political center of North China, and along that
5 line from Tung-chou to Tientsin. That is a very evident
6 fact, that Japan was going to take over Peiping and
7 Tientsin. By this fact there comes the May 31 Tang-ku
8 Agreement. By this Tang-ku Agreement we were forced
9 into, Chinese troops had to withdraw from the line men-
10 tioned above; that is, from Tung-chou to Tientsin --
11 had to withdraw all east from that line.

12 Q Just a minute. You are obviously not answering
13 the question or you misunderstand what I mean. Now,
14 how many Japanese troops, if you know, were in the
15 Northern Provinces, in northern China, in July, 1937?

16 THE INTERPRETER: Is this question a continua-
17 tion of your last question?

18 MR. WARREN: This question is not.

19 THE INTERPRETER: General Ching hasn't fin-
20 ished up his last answer yet.

21 MR. WARREN: I stated that I did not desire
22 him to finish. He did not answer my question. I am
23 proceeding.

24 A According to our knowledge, at the time when
25 the Marco Polo Bridge Incident broke out, the Japanese

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1 had a division in Peiping and Tientsin. That is about
2 15,000 men.

3 Q Then you do not know, and did not know at that
4 time, how many troops were there, did you?

5 THE INTERPRETER: We just say that 15,000 men
6 in Peiping and Tientsin--

7 MR. WARREN: Before you interpret that, I have
8 not asked this witness a question. He answered my
9 other and entirely to my satisfaction.

10 A We don't know the exact number.

11 MR. WARREN: Just a moment, please. I stated
12 that I want to ask another question. He answered my
13 question. I do not care for the voluntary statements
14 of this witness. I want to proceed with my cross-
15 examination.

16 COLONEL MORROW: I take it, if the Court please,
17 that a witness can always make an answer and explain
18 and expand.

19 THE PRESIDENT: Yes, undoubtedly.

20 MR. WARREN: Yes, your Honor. How is he going
21 to explain or expand on the statement that there were
22 15,000 there according to their belief? That is all I
23 asked him.

24 THE PRESIDENT: Well, we will hear his ampli-
25 fication.

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1 MR. WARREN: Very well. I object to it, sir.

2 A (Continuing) We don't know the exact number.
3 All over the North China, Japanese troops. But we know
4 definitely that there is a garrison command in Tientsin,
5 and a brigade in Peiping, totaling about a division,
6 which has the strength of 15,000, and there are some
7 more over other parts of China which we don't know the
8 exact number.

9 Q Now, you state definitely that you know there
10 were 15,000 at least. Will you go ahead and state
11 whether or not those troops were in there illegally?

12 A According to the agreement drawn after the
13 Opium War, Japanese, or Japan, was authorized to sta-
14 tion troops only along the railway from Peiping to
15 Ching-huang-tao to guard the safety of that railroad.
16 Any amount excessive than the necessity is illegal.

17 Q In order that the witness will not later be
18 confused, I am referring specifically to a time in
19 early July preceding July 7, which is on the date that
20 the so-called Marco Polo Bridge Incident occurred. I
21 ask him if he refers to the same period of time.

22 A What we have said is referred to the same time
23 as what you asked; and after July 7, 1937, after the
24 incident started, Japan massed more troops from Man-
25 churia to North China.

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1 Q On page 4 of the American version of
2 document 1750, which is prosecution's exhibit 198,
3 you refer to the incident when a soldier of a Japan-
4 ese Army was alleged to have been lost on maneuvers
5 and a search was demanded in Chinese territory by the
6 Japanese. And, after having had that intelligence
7 conveyed to you, you stated, "I immediately" -- I
8 am reading now -- "replied that Japanese troops,
9 maneuvering in Chinese territory at their own will,
10 were in violation of international law."

11 Do you still maintain that they were in
12 violation of international law?

13 A We have answered this question to you this
14 morning.

15 Q Ask him to answer the question.

16 A According to the agreement drawn in 1900,
17 after the Opium War, though it authorized the Japan-
18 ese to station troops along the railroad in North
19 China, and the necessary maneuver along the railroad --
20 but in case of that maneuver, has to be -- the
21 Chinese Government has to be notified in ad-
22 vance so that all the residents along the railroad
23 would be in turn notified, and to prevent any mis-
24 understanding.

25 First, we have to make a correction here:

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1 The agreement drawn in 1900 was after the Boxer --
2 so-called Boxer trouble which is now the Opium War.
3 And also the place where the Japanese troops was
4 authorized to carry out maneuver can be too far from
5 where they were stationed. They cannot be stationed
6 at Fengtai and maneuver near Nanking.

7 Q I will read to you from prosecution's ex-
8 hibit 58 which has heretofore been introduced in
9 evidence, and it refers to a report adopted by the
10 League of Nations Assembly on October 6, 1937. It is
11 on page 384 as mine is marked.

12 "At the beginning of July 1937, there were
13 about 7,000 Japanese soldiers in Northern China.
14 These troops were kept there on the basis of the
15 Protocol of September 7th, 1901 (and its annexes),
16 concluded between China and the Powers having le-
17 gations at Peking. Under these Agreements, China
18 recognized the right of each Power to maintain a
19 permanent guard in the legations quarter at Peking
20 and to occupy twelve specified points for the maint-
21 enance of open communication between the capital and
22 the sea. Under the terms of a supplementary Agree-
23 ment of July 15th-18, 1902, the foreign troops
24 stationed at these points had 'the right of carrying
25 on field exercises and rifle practice, etc., without

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1 informing the Chinese authorities, except in the case
2 of feux de guerre'."

3 (Whereupon, the witness began to
4 speak in Chinese.)

5 Q (Continuing) I haven't asked any question
6 yet.

7 Now, after having had this read to you, do
8 you agree with that statement or do you disagree?

9 A We still hold that the statement is true be-
10 cause we had an agreement with the Japanese garrison
11 commander that they should notify us in advance of
12 any of their field exercises.

13 Q Now, that's the point that I want to get to,
14 General, sir. Regardless of the international commit-
15 ments of your nation, you felt, or your garrisons and
16 your various generals felt that they could make agree-
17 ments without the approval of their government; is
18 that correct?

19 A It is not a remedy to the agreement; but,
20 since the Japanese troops were carrying out maneuvers
21 and field exercises so frequently, not like other
22 foreign troops in that authorized area, we had to
23 have some kind of agreement with them to prevent
24 violence and misunderstanding to happen.

25 Beside me there would be another witness who

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1 was a District Minister of Wan-Ping Hsien where the
2 incident started. He can tell you that he had an
3 agreement with the Japanese battalion commander
4 stationed at Fengtai whose name is ICHINOKI, Kiyonao.

5 Q General, sir, I am not interested in the
6 agreement that you say you had there. I'm inter-
7 ested in the statement you made to this Court as a
8 factual account that you told your subordinates that
9 the Japanese were acting in violation of international
10 law.

11 The question is, why did you inform your
12 subordinate officers that Japan acted in violation of
13 international law when she did not act in violation
14 of international law?

15 A The reason why I told my subordinates
16 Japanese were violating the international law were
17 because they didn't hold their promise. Maybe I
18 didn't have sufficient reference at hand in that
19 time in this literary term "international law."

20 Q General, sir, what made you believe that an
21 oral agreement between two battalion commanders, or
22 whatever their regimental rank was if they had any --
23 a sort of a gentlemen's agreement -- could anywhere
24 broach international law and international agree-
25 ments between two nations?

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1 A A gentlemen's agreement between the chief
2 of local government and the Japanese garrison com-
3 mander was to maintain the peace and order of that
4 area. It is not in contrary with the spirit of
5 international law.

6 Why I said that this gentlemen's agreement
7 is not in contrary to international law, because the
8 Japanese troops were carrying out intensive field
9 maneuvers and with actual firing. If they don't
10 give us notice in advance, it would incur injury of
11 the Chinese civilians and residents in that area and
12 will cause violence and disorder which is in contrary
13 of the spirit of international law or the agreement
14 drawn in 1900 to maintain the peace and order along
15 the railroad, to maintain the communication to the
16 sea. If they didn't give us notice in advance, and
17 carrying out their maneuver with actual light ammu-
18 nition, it would result in disorder and violence.

19 Q Now, General, what were the Chinese troops
20 doing all this time? What were they doing?

21 A At the moment when the incident was re-
22 ported to me, I immediately called up the regimental
23 commander of my troops stationed at Marco Polo Bridge
24 and Wan-Ping Hsien and checked that our troops have
25 all retired -- were all sleeping at that time.

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1 Q General, you stated a few moments ago that
2 Japan had more troops than any other nation in China
3 at the time in accordance with the Protocol of Sep-
4 tember 7, 1901. Now, is it not true that Japan also
5 suffered many more losses of life of her nationals
6 and of destruction of property by undisciplined mem-
7 bers of the armed forces of China, and by banditry
8 than any other nation in China at that time?

9 A Since the 1901 agreement was drawn, there
10 was not disorder in North China which caused any
11 Japanese suffering of lives. It is because that Japan
12 was preparing for an invasion and aggression, and using
13 this reason like you stated to mass troops in North
14 China. In fact, at a time around July 7, 1937, the order
15 in North China, especially around Peiping, was well
16 maintained. This is a known fact to all the foreign
17 residents in Peiping, especially English and Americans.
18 Japan did try to create disorder in North China, to use
19 it as an alibi or excuse to concentrate more troops in
20 that area. It happened in Chang-peh Hsien, where Japan
21 hired rascals and so-called ronins to make trouble, but
22 it was well taken care of by the local government, and
23 order was restored.

24 Q General, sir, you are not answering my ques-
25 tion. I am not interested in a speech. What I asked

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1 you was: is it not a fact that the Japanese lost more
2 nationals as a result of barbarity and banditry and
3 undisciplined soldiers, and more property than any
4 other nation in China under the Protocol Agreement?
5 That can be answered very simply, yes or no.

6 A What I say meant no.

7 THE PRESIDENT: Colonel Warren, would you
8 help us by stating just what you are trying to es-
9 tablish in referring to Chinese losses. I did not have
10 the impression when you were reading from the Lytton
11 report that your purpose is to show that what the
12 Japanese did was justified under treaties about which
13 no question arises -- those following the Boxer Re-
14 bellion. Where are we now?

15 MR. WARREN: I am speaking about Japanese
16 losses, sir. Great stress has been laid on this re-
17 port that I have.

18 THE PRESIDENT: Aggressors, or we will say
19 invaders, can lose heavily.

20 MR. WARREN: Your Honor, I am not speaking
21 about that.

22 THE PRESIDENT: Can they enforce agreements?
23 It is quite irrelevant to show that if Japan was an
24 aggressor, was an invader, we will say, that she was
25 able to compel these people to make treaties with her,

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1 and that she lost heavily. Those things are quite
2 beside the question that arises here.

3 MR. WARREN: If your Honor please, I think
4 you entirely misapprehend my questioning. The United
5 States, Great Britain, and other powers had in China
6 at the same time -- after the Boxer Rebellion we had
7 our nationals there, our business interests that we
8 were protecting, and so was Japan. So if great stress
9 is laid on the fact, if it please your Honor, by the
10 prosecution in their exhibits, that Japan had more
11 soldiers than any other nation, by the same token I
12 feel that I have a right to show, on cross-examination,
13 in the face of this witness's explanation, which your
14 Honor has required me to let him make, that Japan like-
15 wise had more nationals and owned more property interests
16 than the other nations, and it took a greater police
17 power to protect them than any other nation. That is
18 all I am trying to show; that is all I am asking this
19 witness. He knows it; he knows it very well.

20 THE PRESIDENT: So long as you can rest your
21 cross-examination on treaties not in question here --
22 those made following the Boxer Rebellion -- well, you
23 are within your rights.

24 Colonel Morrow.

25 COLONEL MORROW: If the Court please, I believe

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1 the witness ought to be allowed to have translated
2 to him in Chinese these remarks of counsel that he
3 may follow the trend.

4 THE PRESIDENT: No, I do not agree with you.

5 This is a convenient break. We will recess
6 now for fifteen minutes.

7 (Whereupon, at 1445, a recess was
8 taken until 1500, after which the proceedings
9 were resumed as follows:)
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1 THE PRESIDENT: Dr. KIYOSE.

2 DR. KIYOSE: Mr. President, after having
3 been listening to the testimony made by the witness,
4 I have noticed that there is a little difference in
5 the translations. Among the defense counsel, there
6 are a few of us who understand a little Chinese. And
7 from this knowledge we can see that, here again, there
8 is a slight difference in the translations. In the
9 case of a letter being translated into Japanese, we
10 have always had monitors to supervise the accuracy
11 of the interpretation. However, unfortunately, in
12 the case of the Chinese, we have not been favored
13 with such a provision. Perhaps that is the reason
14 why we are not entirely satisfied.

15 LANGUAGE SECTION CHIEF: Mr. President,
16 we have a new setup here adding one more interpreter
17 taking the question from the prosecution and taking
18 the witness' answer, translating witness' answer into
19 English. We have two interpreters here to improve
20 the interpretation to be carried out and they will
21 monitor each other.

22 THE PRESIDENT: Well, as I explained before,
23 all this interpretation of every word is not required
24 in the interests of justice. It is required in the
25 interests of propaganda. That is the whole point.

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1 This elaborate system of interpreting every word
2 does not obtain in any national court. We try mur-
3 derers there. We try men who cannot speak the
4 English language, but we do not have all of this
5 interpreting. I would like the Japanese to under-
6 stand that. The Charter really is mostly concerned
7 with the Japanese people understanding what is happen-
8 ing in this Court. It is not required in the interests
9 of justice. However, we will do our best. We will
10 try to carry out the Charter but at present it
11 seems Dr. KIYOSE, that your objection is not well
12 supported.

13 DR. KIYOSE: Mr. President, I respect your
14 esteemed opinion. Unless there is a very great dif-
15 ference in the whole meaning, we do not wish to raise
16 any objections. But, inasmuch as the present witness
17 is a very important one, and his testimony will conse-
18 quently have a very important bearing on the outcome
19 of the trials, we are raising this point. If, however,
20 we are reluctant and we shall not raise any points
21 which we can consider to be minor in importance.

22 THE MONITOR: The one point to be added on
23 this is that "We regret to have judges, Mr. President
24 and the other judges, receive wrong impressions
25 because of the translation. That is why we are raising

1 this problem. However, we will not quibble over
2 words or usage of words. We would like the substantial
3 meaning of the translation to be accurate. That is
4 all."

5 MR. PRESIDENT: We appreciate your attitude,
6 Dr. KIYOSE. We will do our best with the talent we
7 have.

8 DR. KIYOSE: As it has occurred just now,
9 even in the case of the Japanese interpretation we
10 had to have it repeated before the real significance
11 could be brought out. In the case of the Chinese
12 it would be, -- this difference would become more
13 marked.

14 THE MONITOR: "The danger of this procedure
15 is that we do not have Chinese monitors. Therefore, if
16 we do have monitors, I think it can be corrected.

17 THE PRESIDENT: I have never known monitors
18 in any court but this.

19 Yes, Col. Warren.

20 MR. WARREN: If the Tribunal please, the only
21 question that I have had raised with reference to the
22 interpretation is that the new interpreter, I am sure
23 he has no ulterior motives in mind at all, but on
24 several occasions he has conferred with the witness
25 either in further explanation of the question or some

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1 other matter and some of the American counsel have
2 objected. I would ask the Tribunal to caution him
3 on that point. I realize he is doing the best he
4 can for us but that might become an important factor
5 in changing the meaning of an answer.

6 THE PRESIDENT: Now I have tried scores of
7 cases with interpreters and my experience was and
8 is that interpreters and witnesses frequently, if
9 not invariably, question one another to a great ex-
10 tent, at great length.

11 And I would like that to go on record that
12 I have noticed here today nothing unusual in the
13 conduct of the interpreter and the witness.

14 MR. WARREN: I was expressing, your Honor,
15 what had been conveyed to me and I will proceed with
16 the cross-examination.

17 CROSS-EXAMINATION (Continued)

18 BY MR. WARREN:

19 Q General, sir, at the beginning of July,
20 1937, is it not true that in addition to Japan that
21 the United States, Great Britain and France also had
22 troops stationed in Northern China?

23 A Yes.

24 Q Is it not also true that they had trouble
25 with Japanese -- I mean Chinese banditry as well as

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1 the Japanese?

2 A No.

3 Q I can very well see where that question
4 may have been confusing in the manner I put it. I
5 will place it this way.

6 Is it not true that the French, English and
7 Americans who were stationed in Northern Japan at
8 that time had trouble with bandits? I mean North
9 China.

10 A I have never heard of that.

11 Q Were you in the vicinity at that time?

12 A I was in Peiping.

13 Q And you never heard of trouble between
14 the French, the Americans and the English with Japan-
15 ese -- I mean Chinese bandits as a result of brigand-
16 dage there?

17 A I have never heard of that; neither had
18 I received any reports from any of these foreign
19 consulates or embassies, Great Britain or American
20 or French authorities.

21 Q Now with reference to the statement in
22 the second part of paragraph A-1 of the Prologue
23 of your Factual Account of July 7th Incident, you
24 state in substance that all the policies of the
25 local authorities in several different places were

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1 formulated and carried out in conformity with
2 instructions and laws proclaimed by the National
3 Government and that they were interfered with by the
4 Japanese and then you state: "For example, the
5 election of representatives of the People's Congress,
6 the concentrated military training of all college
7 students, were considered by the Japanese aggressors
8 as measures inconsistent with the status of special
9 area."

10 In what manner were the Japanese aggressors
11 at that time?

12 A Regarding the election of representatives
13 to the People's Congress, Japanese by the name of
14 TAKAHASHI from the Japanese Embassy had approached
15 Mr. Hsiao-Chengying and myself to stop this election.
16 At that time he induced us by saying that if we re-
17 frained from putting on the election and if we dis-
18 obeyed the orders issued by the Central Government,
19 the Japanese Government will be able to help the
20 Hopei China Political Council politically and economi-
21 cally.

22 Q General, I am speaking -- General, sir,
23 perhaps I misinterpret your use of the word "aggressors".
24 Do you mean to convey that up until that time they
25 were actively participating in an aggressive war

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1 against you or were they aggressive in some other
2 manner?

3 A Yes.

4 Q Is it not true that the Japanese objected
5 to propaganda being taught in the schools against
6 Japanese and other foreign persons and that they
7 did object strenuously to the training, intensive and
8 concentrated training, I mean, of students in the
9 military arts along with the propaganda that was
10 being given to them?

11 A The Japanese, on the pretext that this
12 concentrated military training in the universities
13 and colleges instils anti-Japanese ideas, demanded
14 that these be abolished.

15 Addition, please. However, the military
16 training we had given to our students was purely
17 for self-defense reasons.

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1 MR. WARREN: If the Tribunal please, I
2 would like to request the Tribunal to respectfully
3 request this witness to answer my questions without
4 giving his conclusions that on a pretext of this kind
5 or a pretext of the other, he can answer these questions
6 without. I don't care for his conclusions, and your
7 Honor, once an answer is in, does not permit us to
8 strike it. I feel we should be at least afforded
9 the protection of an admonishment to the witness not
10 to state conclusions not based on facts, which he
11 has given to the Tribunal. I feel that the Tribunal
12 can well pass upon the question of whether it was a
13 pretext or not. If he will just state the facts to
14 the Tribunal, that is all I want him to do..

15 THE PRESIDENT: Well, the whole of his exam-
16 ination in chief consists of conclusions, if I
17 recollect rightly. It is not the kind of evidence
18 we would allow in chief if he gave his evidence from
19 the box. But I will ask him to confine himself to
20 simple answers to the questions, to make sure if he
21 can that his answers do not extend beyond the ques-
22 tions.

23 THE WITNESS: I have never overstepped the
24 bounds of the answer.

25 MR. WARREN: Thank you, General.

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1 THE PRESIDENT: He may always explain an
2 answer if he thinks fit.

3 Q Did the Japanese, or did they not, inform you
4 that they felt that the intensive military training,
5 together with the propaganda being disseminated to
6 the students against the Japanese and other nationals
7 foreign to China were inconsistent with the treaty
8 commitments with China with reference to their status
9 in the special areas?

10 THE PRESIDENT: Well, you assume the fact
11 or beg the question, whatever way you like to put it,
12 in that interrogation.

13 MR. WARREN: Well, your Honor, I thought
14 maybe I could get a direct answer. I am sorry.

15 THE PRESIDENT: Well, let him try to answer.

16 INTERPRETER: The witness said that he didn't
17 quite get the question.

18 Q I will reframe it. In your statement quoting
19 you state repeatedly Japanese opened negotiations and
20 interfered with such administration but all the
21 inducements and threats failed. Is it not a fact that
22 you were approached many, many times by the Japanese
23 representatives to negotiate on matters that they
24 considered objectionable to their special status under
25 their treaty obligations and rights?

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CROSS

1 A According to the Ho-UMEZU Agreement, the
2 Chinese troops -- part of the Chinese troops were
3 withdrawn and some of the political workers attached
4 in the army were also withdrawn. Other than that there
5 is nothing that should be considered objectionable
6 by the Japanese. Also the office of the political
7 party were withdrawn by the agreement between General
8 Ho and UMEZU.

9 MR. WARREN: It is obvious that there was
10 a wrong interpretation of my question given to the
11 witness.

12 (Whereupon, the last question was
13 read by the official court reporter.)

14 INTERPRETER: The question will have to be
15 re-translated.

16 The witness said that the Japanese funda-
17 mentally had never acquired any special rights or
18 status. They were forcefully trying to get the
19 autonomy of North China which General Sung Cheyuan
20 refused.

21 Q Is it not true that the Chinese refused to
22 negotiate or to cooperate with the Japanese on a
23 single proposition that they came to the Chinese with
24 prior to the Incident of July 7 or the Marco Polo
25 Bridge Incident?

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1 A The Chinese government has never refused to
2 negotiate with the Japanese only on the main issue,
3 that is, disintegration of North China from China
4 proper. This issue we refused to talk.

5 THE PRESIDENT: I suggest, Colonel Warren,
6 with respect that your questions are longer than they
7 need be and are creating much of the difficulty.

8 MR. WARREN: You are probably right sir.
9 I also feel that this witness is adopting a somewhat
10 stubborn attitude in his answers also, but I will try
11 to do better with the questions.

12 Q With reference to paragraph 3 of your pro-
13 logue, you state that "the 29th Army was the main
14 force, which had its garrisons all over Hopei, Chahar,
15 Peiping and Tientsin. At the time of the Incident,
16 the 37th Division under the command of General Feng
17 Chi-An was stationed in the suburbs of Peiping."
18 What was the exact date that -- Just a moment.

19 THE PRESIDENT: I don't know how the inter-
20 preters are going to pick up that.

21 MR. WARREN: They are not going to put up
22 that, sir. I am trying to ask a question for some-
23 body else, your Honor, and I have it messed up myself.
24 He says he will ask his own question.

25 Q Now, General, sir, you go into great length

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1 With reference to the Marco Polo Bridge Incident,
2 stating the Japanese so-called aggression, and you
3 also state that you ended with an agreement. What
4 was the date of that agreement to cease hostilities?

5 A As far as I remember it was on the 10th of
6 July.

7 Q Now later you state that hostilities were
8 again resumed on the 14th of July but you do not go
9 into detail. Why did you not go into detail with
10 reference to the commencement of hostilities on the
11 14th, or the re-commencement?

12 A If I have gone into details of the re-com-
13 mencement of hostilities you may think it will be
14 rather uninteresting to you again.

15 Q The truth is, isn't it, General, sir, that
16 hostilities were re-commenced by the Chinese and not
17 the Japanese, that is, that the Chinese fired the first
18 shots on July 14?

19 A It was the Japanese who fired the first shot.

20 Q You deny, then, that the resumption of
21 hostilities was commenced by the Chinese and not the
22 Japanese?

23 A Yes.

24 Q General, sir, is it not a fact that the
25 Central Chinese Government had very little control

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1 over the outlying provinces and garrisons and especial-
2 ly the one that had the trouble with the Japanese on
3 July 7?

4 A All these places were listening to the
5 orders of the central government.

6 Q I understand, General, sir, they were
7 listening, but were they following them?

8 A Is there any difference between listening to
9 and following? Can you give me a definition of what
10 is listening to and what is following listening to?

11 MR. WARREN: Will the interpreters please
12 do their job down there?

13 INTERPRETER: We are doing our job.

14 Q I will explain. General, sir, as your
15 answer came to me it came to me that you were merely
16 listening to orders and that does not mean necessarily
17 that an order will be obeyed. What I want to know is
18 were the orders issued by the central government being
19 promptly obeyed by the officers in command of the
20 various battalions or whatever regiments or troops
21 you had out there?

22 A Probably the question you ask is due to the
23 fact you don't understand the system of the military
24 command.

25 MONITOR: Channel of command.

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1 THE PRESIDENT: We will adjourn now until
2 half past nine tomorrow morning.

3 (Whereupon, at 1600, an adjourn-
4 ment was taken until Wednesday, 24 July 1946,
5 at 0930.)

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